

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Adip Vora	Team: Squad #1	CCRB Case #: 202106965	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 11/10/2021 11:15 AM	Location of Incident: Mother Gaston Blvd and Livonia Avenue	Precinct: 73	18 Mo. SOL 5/10/2023	EO SOL 5/10/2023	
Date/Time CV Reported Thu, 11/11/2021 8:06 AM	CV Reported At: Mayor's Office	How CV Reported: E-mail	Date/Time Received at CCRB Tue, 11/16/2021 11:08 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. PO Elvir Lekperic	05826	960793	SRG 3
2. SGT David Lamarre	03547	947929	SRG 3

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. PO Sejdi Cobaj	22559	957473	SRG 3
2. PO Asar Rhymer	19679	959131	SRG 3
3. PO Johnny Marquez	13959	960876	SRG 3
4. PO Andy Heenpella	17785	960651	SRG 3

Officer(s)	Allegation	Investigator Recommendation
A.SGT David Lamarre	Abuse: Sergeant David Lamarre stopped the vehicle in which § 87(2)(b) was an occupant.	
B.PO Elvir Lekperic	Abuse: Police Officer Elvir Lekperic failed to provide § 87(2)(b) with a business card.	

Case Summary

On November 11, 2021, § 87(2)(b) filed this complaint with the Mayor's Office. On November 16, 2021, this complaint was received by the CCRB.

On November 10, 2021, at approximately 11:15 AM, Sergeant David Lamarre, of Strategic Response Group (SRG) 3, stopped § 87(2)(b) during a vehicle checkpoint stop at Mother Gaston Boulevard and Livonia Avenue in Brooklyn (**Allegation A: Abuse of Authority** – § 87(2)(g)). PO Lekperic did not provide § 87(2)(b) with a business card (**Allegation B: Abuse of Authority** – § 87(2)(g)). § 87(2)(b) was not arrested, nor did he receive a summons as a result of this incident.

Body-worn camera (BWC) footage was received from PO Lekperic, Police Officer Sejdi Cobaj, Police Officer Andy Heenpella, Police Officer Asar Rhymer, Police Officer Johnny Marquez, and Sergeant David Lamarre (**Board Review 01-06**).

Findings and Recommendations

Allegation (A) Abuse of Authority: Sergeant David Lamarre stopped the vehicle in which § 87(2)(b) was an occupant.

§ 87(2)(b) testified that he was driving alone on Mother Gaston Boulevard approaching Livonia Avenue when he stopped at a red light and noticed six officers on foot, three on the right side of the lane he was driving on and three on the left (**Board Review 07**). When the light changed from red to green, the car in front of him proceeded through the intersection but Sgt. Lamarre stood in front of § 87(2)(b)'s vehicle and motioned to § 87(2)(b) to pull over to the right side of the road. § 87(2)(b) pulled over, and PO Lekperic approached § 87(2)(b)'s driver's side window and asked § 87(2)(b) for his driver's license. § 87(2)(b) gave PO Lekperic his license, and PO Lekperic ran § 87(2)(b)'s license on a handheld device. PO Lekperic then asked § 87(2)(b) for his registration, which § 87(2)(b) provided. PO Lekperic asked § 87(2)(b) if he had insurance, and § 87(2)(b) told PO Lekperic that he had insurance and began looking for it inside of his car. PO Lekperic told § 87(2)(b) that he did not need his insurance, apologized for taking up § 87(2)(b)'s time, and told § 87(2)(b) that he was free to go. § 87(2)(b) asked PO Lekperic why he was stopped, and PO Lekperic told § 87(2)(b) it was for a "safety stop." § 87(2)(b) did not observe any other vehicles get stopped during the ten minutes he was stopped.

PO Lekperic testified that he was conducting a traffic safety initiative checkpoint on that day, but he did not specifically remember stopping § 87(2)(b) (**Board Review 08**). PO Lekperic was instructed by Sgt. Lamarre to stop every third vehicle and ask for their license, registration, and insurance to confirm that the vehicle operators were legally able to drive under NYC law.

A vehicle checkpoint form received from SRG 3 shows that a vehicle checkpoint was conducted on Mother Gaston Boulevard and Livonia Avenue from 11:10 AM to 1:00 PM on November 10, 2021, to which Sgt. Lamarre was the supervisor and every third vehicle was stopped (**Board Review 09**).

PO Lekperic's BWC footage from 01:00 to 02:25 of the video player's timestamp captures § 87(2)(b)'s vehicle being stopped (**Board Review 01**). § 87(2)(b)'s vehicle is the third vehicle that passes through the checkpoint, and Sgt. Lamarre and PO Rhymer direct § 87(2)(b) to pull over.

Patrol Guide Procedure 221-16 states that during a vehicle checkpoint, police officers are not required to articulate an individualized suspicion for each vehicle stopped and that officers must stop vehicles non-arbitrary manner (e.g., every third vehicle, etc.), and as directed by the supervisor in charge of the checkpoint (**Board Review 10**).

§ 87(2)(g)

Allegation (B) Abuse of Authority: Police Officer Elvir Lekperic failed to provide § 87(2)(b) with a business card.

§ 87(2)(b) stated that he did not receive any paperwork, including a summons or business card, as a result of this stop (**Board Review 07, 11**).

PO Lekperic testified that he did not provide a business card to § 87(2)(b) since he was not sure that he was required to provide one during this incident (**Board Review 08**). PO Lekperic stated that he usually had business cards on him and would have provided one to § 87(2)(b) upon request. PO Lekperic did not know why the location was chosen for the checkpoint, nor did he know the reason for the checkpoint; however, he noted that there was no public event or emergency at the location, nor was it considered a sensitive location.

PO Lekperic's BWC footage from 02:20 to 06:55 captures PO Lekperic's entire interaction with § 87(2)(b) until § 87(2)(b) drives away (**Board Review 01**). At no point does PO Lekperic provide § 87(2)(b) with a business card.

Per NYC Administrative Code §14-174, an officer must offer a Right to Know business card to the subject of a stop during a checkpoint, except in cases where an arrest is effected or a summons is issued, or during planned security checks of vehicles at sensitive locations or street closures for public events or emergencies (**Board Review 15**).

PO Lekperic acknowledged and his BWC confirmed that he did not provide § 87(2)(b) with a business card. § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (**Board Review 12**).
- PO Lekperic has been a member of service for six years and has been a subject in three other CCRB complaints and four other allegations, none of which were substantiated. § 87(2)(g)
- Sgt. Lamarre has been a member of service for 13 years and has been a subject in 11 other cases and 19 other allegations, two of which was substantiated.
 - 201604671 involved a substantiated allegation of vehicle search. The Board recommended Command Discipline A and the Department declined to prosecute.
 - 202004315 involved a substantiated allegation of Discourtesy – Word. The Board recommended Command Discipline A and the NYPD has not yet imposed discipline. § 87(2)(g)

Mediation, Civil, and Criminal Histories

- Mediation was not offered for this case.
- As of January 18, 2022, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards this to complaint (**Board Review 13**).

- § 87(2)(b) [Redacted]

Squad: 1

Investigator: Inv. Adip Vora Inv. Adip Vora 03/08/2022
Signature Print Title & Name Date

Squad Leader: Mgr. Joy Almeyda 3.8.22
Signature Print Title & Name Date

Reviewer:
Signature Print Title & Name Date